

CARMEL CITY CODE
CHAPTER 10: ZONING & SUBDIVISIONS
ARTICLE 1: ZONING CODE

CARMEL ZONING ORDINANCE
CHAPTER 23E: HOME PLACE DISTRICT OVERLAY ZONE

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23E.00 Home Place District Overlay Zone.¹

23E.00.01 Purpose, Intent and Authority.

It is the purpose of the Home Place District to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties located in the Home Place neighborhood in Clay Township, Hamilton County, Indiana. The Commission and Council, in establishing this zone, are relying on IC 36-7-4-600 *et seq.* and IC 36-7-4-1400 *et seq.*

This zoning district is, likewise, intended to serve as a tool for implementing the development policies and guidelines set for the Home Place District in the Comprehensive Plan.

23E.00.02 Plan Commission Approval.

- A. Development Plan. Refer to Sub-district regulations for Development Plan requirement.
- B. Architectural Design, Exterior Lighting, Landscaping and Signage. Refer to Sub-district regulations for Architectural Design, Exterior Lighting, Landscaping and Signage requirement.

23E.00.99 Application Procedure.

- A. Development Plan. See Section 24.99(A): Development Plan.
- B. Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS). See Section 24.99(B): Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS).
- C. If the DP and/or ADLS plan is materially changed in any way, resubmission to the Commission per Section 23E.02 is required.

¹ Section 20E.00 amended per Ordinance No. Z-453-04, *§es-et.*

23E.01 District Boundaries.

The Home Place District Overlay Zone is generally bounded by the following streets; to the west by Pennsylvania Street, to the north by East 116th Street, to the east by the Monon Greenway, and to the south by I-465.

The Home Place District is comprised of the following sub-districts as shown on the Home Place District Boundaries Map, *Exhibit A*:

- A Home Place Business District, which is primarily comprised of the properties located near the intersection of East 106th Street and North College Avenue.
- B West Home Place Commercial Corridor, which is comprised of properties on the East side of Pennsylvania Street from East 103rd Street to East 116th Street.

23E.02 Commission Approval²

- A. Development Plan. The Commission must approve, approve with conditions, or disapprove the Development Plan (DP) for any tract of land in the Home Place Business District or West Home Place Commercial Corridor that is to be developed for commercial purposes or as a Planned Unit Development.
 - 1. A public hearing shall be held by the Commission before it decides whether to approve or disapprove a DP. However, no DP is required for additions to existing structures which:
 - a. Are attached to the existing structure and continue the architectural design of the existing structure, including exterior color and materials; doors, windows and other detailing; and,
 - b. Do not exceed twenty percent (20%) of the original gross floor area of the existing structure, applicable from the date of this ordinance.
 - 2. Commission shall review a DP application to determine if the DP satisfies the development requirements specified in *Section 23E.08* and *Section 23E.09*. The Commission's review shall include but not be limited to the following items:
 - a. Existing site features, including topography and wooded areas;
 - b. Zoning on site;
 - c. Surrounding zoning and existing land use;
 - d. Streets, curbs and gutters, sidewalks, and bicycle paths;
 - e. Access to public streets;
 - f. Driveway and curb cut locations in relation to other sites;
 - g. General vehicular and pedestrian traffic;
 - h. Vehicle and bicycle parking and internal site circulation;
 - i. Special and general easements for public and private use;
 - j. On-site and off-site surface and subsurface storm water drainage including drainage calculations;
 - k. On-site and off-site utilities;
 - l. The means and impact of sanitary sewage disposal and water supply techniques;

² *Section 20E.02 amended per Ordinance No. Z-453-04, §eu.*

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- m. Dedication of streets and rights-of-way, or reservation of land to be sold to governmental authorities for future development of streets and rights-of-way;
 - n. Proposed setbacks, site landscaping and screening; and compatibility with existing platted residential uses;
 - o. Project signage;
 - p. Protective restrictions and/or covenants;
 - q. Compatibility of proposed project with existing development within the Home Place Business District or West Home Place Commercial Corridor; and,
 - r. Consistency with the policies for the Home Place District that are set forth in the Comprehensive Plan, including the Thoroughfare Plan.
 - s. Excess Noise.
3. The Commission shall make written findings concerning each decision to approve or disapprove a DP. The President of the Commission shall be responsible for signing the written findings of the Commission.
 4. If a Parent Tract (Tract) is located both inside and outside of the Home Place District Overlay Zone, a DP shall be submitted to the Plan Commission for the entire tract. Wherever there exists a conflict between the requirements of the underlying zoning and those of the Home Place District Overlay Zone, the requirements for the Home Place District Overlay Zone shall prevail.
- B. Architectural Design, Landscaping, Exterior Lighting and Signage. For all projects in the Home Place Business District and West Home Place Commercial Corridor, the Commission shall review and approve or approve with conditions the Architectural Design, Landscaping, Exterior Lighting and Signage (ADLS), access to the property, site layout, parking and site circulation, pursuant to *Section 23E.08* and *Section 23E.09*, and such approvals shall be necessary prior to:
1. The establishment of any use of land;
 2. The issuance of any Improvement Location Permit;
 3. The erection, reconstruction or Structural Alteration of any commercial building(s) in the Home Place Business District or West Home Place Commercial Corridor; or
 4. Any changes in site improvements.
- C. Zoning Waiver. The Commission may, after a public hearing, grant a Zoning Waiver of certain Development Requirements of this Chapter, so noted within. Any approval to permit such a waiver shall be subject to the following criteria:
1. The proposal shall be in harmony with the purposes and the land-use standards contained in this chapter.
 2. The proposal shall enhance the overall Development Plan, the adjoining streetscapes and neighborhoods, and the overall Home Place neighborhood.
 3. The proposal shall not produce a Site Plan or street/circulation system that would be impractical or detract from the appearance of the Development Plan and the Home Place neighborhood, and shall not adversely affect emergency vehicle access or deprive adjoining properties of adequate light and air.
 4. The proposal exhibits extraordinary site design characteristics, including, but not limited to: Increased landscape treatment, tree preservation, provisions for bicycle and pedestrian traffic.

In granting a waiver, the Commission may impose such conditions that will, in its judgment, secure the purposes of this Chapter. This Paragraph does not affect the right of the applicant under

Indiana law to petition the Board for a variance from development standards provided under IC 36-7-4-918.5 and this Zoning Ordinance.

23E.03 Permitted Uses.³

All uses which are permitted in the underlying primary zoning district(s), except those uses expressly excluded by *Appendix A: Schedule of Uses*, are permitted in the Home Place District Overlay Zone.

23E.04 Special Uses.⁴

All Special Uses which are permitted (upon obtaining a Special Use approval from the Board) in the underlying zoning district(s), except those uses expressly excluded in *Appendix A: Schedule of Uses*, are permitted in the Home Place District Overlay Zone.

23E.05 Excluded Uses.⁵

See *Appendix A: Schedule of Uses*.

23E.06 Accessory Buildings and Uses.

All Accessory Buildings and Uses which are permitted in the underlying primary zoning district(s) shall be permitted, except that any detached Accessory Building shall be architecturally compatible with the Principal Building(s) with which it is associated.

23E.07 General Provisions.

These guidelines apply to commercial development, expansion, additions, or construction in The Home Place District Overlay Zone.

A. Landscaping.

1. Parking areas shall be landscaped as follows:
 - a. A five-foot (5') wide planting strip shall be provided along the sides and rear of all parking areas. The minimum planting shall include two (2) shade trees and twenty (20) shrubs per one hundred (100) linear feet or three (3) shade trees and ten (10) shrubs per one hundred (100) linear feet.
 - b. Parking areas that are located in Side Yards shall be screened from the street right-of-way with a six-foot (6') wide planting strip consisting of:
 - i. Three (3) shade trees and thirty (30) shrubs per one hundred (100) linear feet, or;
 - ii. A forty-two-inch (42") decorative wall, or;
 - iii. A combination of the above as approved by the Commission.
 - c. Shade trees shall be planted within parking areas greater than ten thousand (10,000) square feet. There shall be planted one (1) shade tree and five (5) shrubs per every nine (9) parking spaces.

³ Section 23E.03 amended per Ordinance No. Z-415-03, §cb.

⁴ Section 23E.04 amended per Ordinance No. Z-415-03, §cc.

⁵ Section 23E.05 amended per Ordinance No. Z-415-03, §cd.

2. A three-foot (3') wide or greater strip of foundation plantings shall be provided along the front building façade.
3. The design of fencing, sound walls, carports, trash enclosures and similar site elements shall replicate the architecture of the Principal Building(s) in construction materials and detailing.
4. Sites with existing trees or stands of trees shall protect and incorporate them into the overall site design. The Landscape Plan must preserve not less than sixty percent (60%) of all trees that are:
 - a. Six-inch (6") DBH or larger, or
 - b. Located within the required yard/setback areas.

If tree preservation is not possible due to other site constraints, the Director or his appointed designee may require a Reforestation or Afforestation Plan.
5. All landscaping approved as part of an ADLS plan shall be installed prior to issuance of a Certificate of Occupancy by the Department. If it is not possible to install the approved landscaping because of weather conditions, the property owner shall be issued a Temporary Certificate of Occupancy until the final site inspection can be performed. The Temporary Certificate of Occupancy shall not last longer than six (6) months.
6. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the ADLS plans in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead planting with identical varieties or a suitable substitute, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds.
7. No landscaping, which has been approved by the Commission, shall later be substantially altered, eliminated or sacrificed without first obtaining further Commission approval. However, minor material alterations in landscaping may be approved by the Director or his designee in order to conform to specific site conditions.
8. The Director, or his duly appointed representatives, shall have the authority to visit any lot or parcel within the Home Place Business District.

B. Lighting.

1. Storefronts shall be internally illuminated to prominently and attractively display the business or its products.
2. Exterior lighting may be affixed to the building.
3. Pedestrian passages to parking lots (walkways) must be lit to a minimum of three (3) footcandles.
4. All exterior architectural, display, decorative, and sign lighting shall be generated from concealed, low level fixtures.
5. Exterior lighting shall be architecturally integrated with the building style, material, and color. Rooftop lighting shall be prohibited.
6. The maximum height of lighting standards in parking areas shall not exceed the Building Height or twenty-five (25) feet, whichever is less. When light standards abut or fall within ninety (90) feet of single-family residential areas, their height shall not exceed fifteen (15) feet.

C. Parking and Loading.

1. No parking shall be allowed in the Front Yard.

2. All parking shall be paved with asphalt or concrete, and curbed using poured-in-place concrete curbing.
3. Parking areas shall be located at the rear or side of buildings, and screened from the sidewalk by low walls, low fences, or hedges.
4. Parking space dimensions shall be nine feet by twenty feet (9' x 20'), or ten feet by eighteen feet (10' x 18'), including two (2) feet for bumper overhang.
5. Adjacent/adjoining lots shall be interconnected either by alleys or internal driveways.

D. Pedestrian and Bicycle Circulation.

1. Neither sidewalks nor walkways shall be used by auto traffic.
2. Bicycle parking shall be provided at one (1) space per one hundred (100) feet of building frontage. Where fractional spaces result, the parking spaces required shall be the nearest whole number.
3. Walkways, shall be provided, as applicable, between buildings to provide access between rear parking areas and principal building entrance or the street. Unless otherwise noted in this Ordinance, the minimum width for walkways shall be eight (8) feet.

E. Product Material & Refuse Storage.

1. Material or product storage shall occur within the Principal Building or an Accessory Building.
2. Any Accessory Building for storage shall:
 - a. Be architecturally compatible with the Principal Building and integrated into the overall site layout.
 - b. Be approved by the Commission.
3. Any Accessory Building for storage or disposal of refuse shall:
 - a. Accommodate waste and recyclable materials, and, if applicable, grease or other cooking refuse.
 - b. Be architecturally compatible with the Principal Building and integrated into the overall site layout.
 - c. Be approved by the Commission.

F. Zoning Waiver.

The applicant may request a Zoning Waiver to the dimensional and quantitative standards of this *Section 23E.07*, by not greater than thirty-five percent (35%), consistent with requirements set forth in *Section 23E.02(C)*.

23E.08 Home Place Business District.⁶

This zone is intended to foster urban neighborhood village-like commercial activity, in keeping with the intention of the Comprehensive Plan. It is to contain office and retail uses that are of an intensity and scale compatible with the surrounding residential areas, both in scale and architecture. These commercial uses should provide services and support the existing residential areas and nearby U.S. 31 Commercial Corridor.

The purpose of this section is to provide site design requirements that orient buildings to the street and are pedestrian in scale. The object is to align buildings in order to create a sense of an outdoor room, encompassing sidewalks and the street.

A. Building Height.

1. Minimum: Twenty (20) feet.
2. Maximum: Thirty-five (35) feet.

B. Front Yard Setback.

1. Minimum: Five (5) feet from Front Lot Line.
2. Maximum: Fifteen (15) feet from Front Lot Line.
3. Uses which require outdoor seating shall be set back no less than ten (10) feet.

C. Minimum Side Yard Setback.

1. There are no Minimum Side Yard Setbacks; however, walkways to rear parking must be a minimum of six (6) feet wide.
2. See also *Section 23E.07(A): Landscaping.*

D. Minimum Rear Yard Setback.

1. Minimum: Ten (10) feet
2. See also *Section 23E.07(A): Landscaping.*

E. Building Orientation.

1. All buildings must face the public street.
2. The primary entrance shall be from a public street.
3. Secondary entrances must face the side or rear of the building.

F. Maximum Gross Floor Area.

Fifteen thousand (15,000) square feet

G. Architectural Design.

1. Buildings shall be a maximum of two (2) stories.
2. The building shall be primarily composed of brick and/or stucco with other materials used for accent.
3. The first and second floors will have a coordinated composition, which will usually be indicated by the alignment of upper floor windows and other features with openings and features on the first floor.
4. Front and side façades of buildings on Corner Lots shall be of the same materials and similarly detailed.
5. In general, buildings will have flat fronts with large window or door openings.

⁶ *Section 20E.08 amended per Ordinance No. Z-453-04, §ev.*

6. All window design shall be compatible with the style, materials, color, details and proportion of the building. The number of panes, the way it opens, the trim around it and whether it is embellished with shutters must be consistent with the architectural style of the structure.
7. The second story of buildings may be for commercial or residential uses.
8. Rooftop equipment must be screened from view.

H. Parking.

Parking shall be provided at the minimum ratio of one (1) space per one thousand (1000) square feet of Gross Floor Area.

I. Buffer Requirements.

Any properties adjacent to or abutting an existing residence or residential area must create at least a five-foot (5') wide buffer consisting of a minimum of three (3) shade trees, two (2) ornamental trees, and nine (9) shrubs per one hundred (100) linear foot increment.

- J. Zoning Waiver. The applicant may apply for a Zoning Waiver of the dimensional and quantitative standards of this *Section 23E.08*, by not greater than thirty-five percent (35%), consistent with requirements set forth in *Section 23E.02(C)*.

23E.09 West Home Place Commercial Corridor.⁷

The purpose of this section is to provide site design, architectural, and landscaping requirements that will create a transition between the U.S. 31 Commercial Corridor buildings and nearby residential areas. The buildings in this corridor will serve as a buffer between the intensive commercial uses along U.S. 31 and the existing residential areas.

Higher intensity commercial development will be considered desirable in the northern portion of this area while lower intensity, residential scale commercial development will be desirable in the southern half. These two areas are shown in the Home Place District area map, *Exhibit A*.

A. Building Height.

1. Buildings located in the Low Intensity area shall be a maximum of two (2) stories tall or thirty (30) feet, whichever is less.
2. Buildings located in the High Intensity area shall be a maximum of three (3) stories tall or forty-five (45) feet, whichever is less.

B. Front Yard Setback.

1. Minimum: Five (5) feet

C. Side Yard Setback.

1. Minimum: Ten (10) feet

D. Rear Yard Setback.

1. Next to existing residence(s): Fifteen (15) feet
2. Next to existing business: Ten (10) feet

E. Building Orientation.

1. All buildings must face Pennsylvania Street.
2. The primary entrance shall be from at least a Secondary Arterial.
3. Secondary entrances shall not be through residential areas.

F. Architectural Design.**1. Low Intensity Area:**

- a. Buildings must be residential in character.
- b. Buildings must be designed to contribute to the neighborhood scale environment and to be compatible with residential uses in nearby single-family areas.
- c. Buildings must be faced in brick and trimmed in metal, stone, pre-cast concrete, wood, or stucco.
- d. Every face of the building must have windows.
- e. Concrete block is not allowed on the exterior.
- f. Entrances must be clearly articulated.
- g. The architectural style, including materials and detailing, must be consistent on all sides of the building.
- h. Rooftop equipment must be screened from view.

⁷ Section 20E.09 amended per Ordinance No. Z-453-04, §ew; Z-481-05, §a.

2. High Intensity Area:

- a. Large expanses of glass are allowed, but the building shall not be constructed entirely of a metal and glass curtain wall.
- b. A minimum of three (3) materials shall be used for building exteriors, from the following list: stone, brick, architectural pre-cast (panels or detailing), architectural metal panels, glass, and ornamental metal.
- c. Concrete block is not allowed as an exterior finish material.
- d. Entrances must be clearly articulated.
- e. The architectural style, including materials and detailing, must be consistent on all sides of the building.
- f. All buildings shall be designed with respect to the general character of the U.S. 31 Corridor and, particularly, with due consideration to buildings located on lots that abut the project site.
- g. Rooftop equipment must be screened from view.

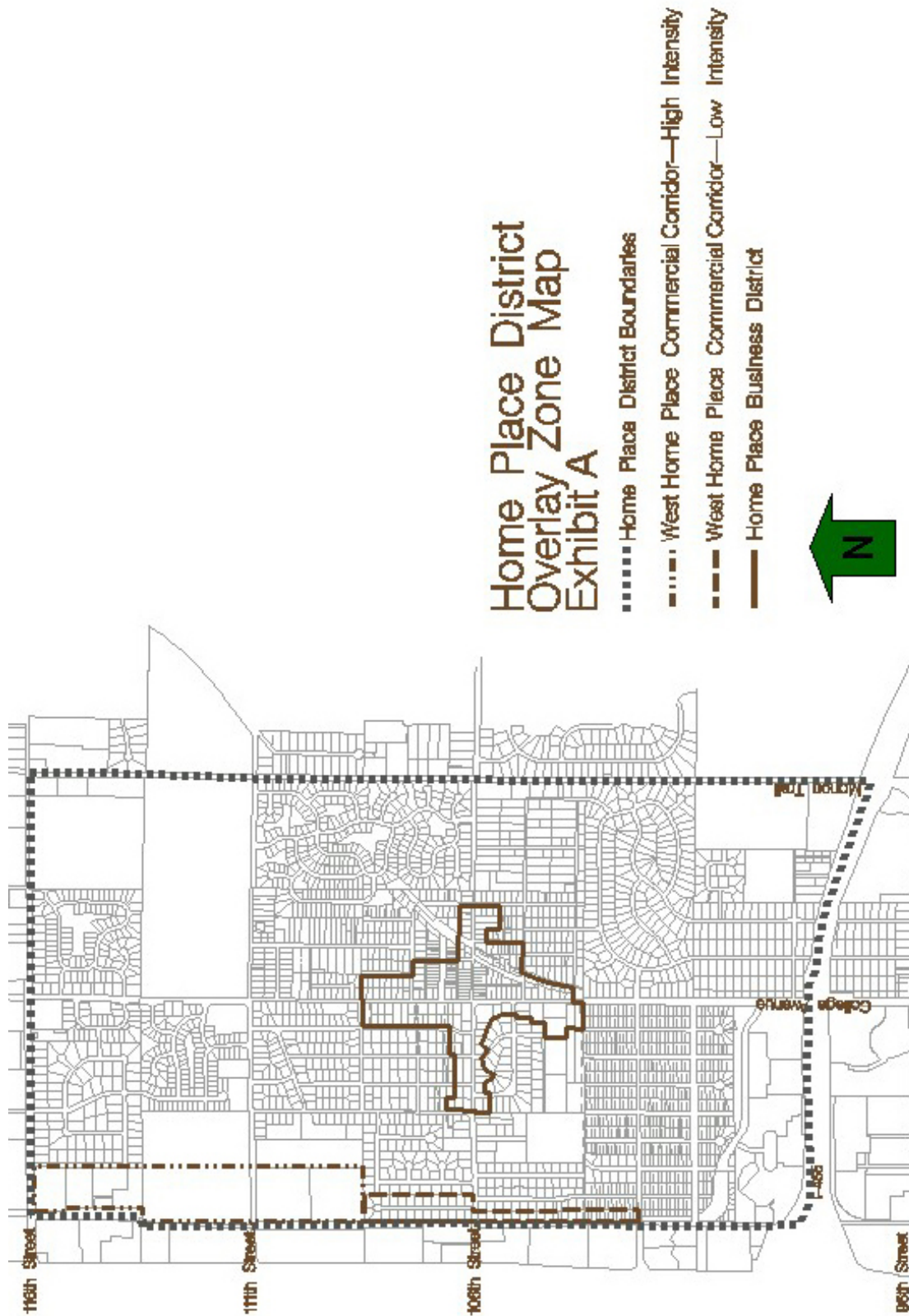
G. Buffer Standards.

- 1. Low Intensity Area: Any properties adjacent to or abutting an existing residence or residential area must create at least a five-foot (5') wide buffer consisting of a minimum of three (3) shade trees, two (2) ornamental trees, and nine (9) shrubs per one hundred (100) linear foot increment.
- 2. High Intensity Area: Any properties adjacent to or abutting an existing residence or residential area must create at least a ten-foot (10') wide buffer consisting of a minimum of five (5) shade trees, four (4) ornamental trees, and fifteen (15) shrubs per one hundred (100) linear foot increment.

- H. Zoning Waiver. The applicant may apply for a Zoning Waiver of the dimensional and quantitative standards of this *Section 23E.09*, by not greater than thirty-five percent (35%), consistent with requirements set forth in *Section 23E.02(C)*.

23E.10 Additions to Existing Residential.

Uses and Detached Buildings accessory to Single-family Dwelling Units are permitted provided that the use and/or structure meets the requirements of the underlying primary zoning district. Additionally, any detached structure must be of compatible architectural design with the Principal Building.



**CHAPTER 23E: HOME PLACE DISTRICT OVERLAY ZONE
AMENDMENT LOG**

Ordinance No.	Docket No.	Council Approval	Effective Date	Sections Affected
Z-375-02	135-01a OA	April 1, 2002	April 1, 2002	ZO Ch 23E Spring 2002 v1
Z-415-03	39-02 OA	November 17, 2003	November 18, 2003	23E.03; 23E.04; 23E.05 Autumn 2003 v1
Z-453-04	150-02 OA	August 16, 2004	August 16, 2004	23E.00; 23E.02; 23E.08; 23E.09; 23E.11 Summer 2004 v1
Z-481-05	05070002 OA	September 19, 2005	September 19, 2005	23E.09 Autumn 2005 v1